

**In the Supreme Court of Bangladesh
High Court Division
(Civil Revisional Jurisdiction)**

Present:

Mr. Justice Md. Zakir Hossain

Civil Rule No. 179 (Con) of 2022

In the matter of:

An application under Section 5 of the
Limitation Act, 1908.

-And-

In the matter of:

Mrs. Feroza Begum

.....Petitioner

-Versus-

Most. Hasmot Ara Begum and others

.....Opposite Parties

Mr. Md. Kamrul Alam Kamal, Advocate

.....For the petitioner

Heard and Judgment on: 30.07.2024

Md. Zakir Hossain, J:

At the instance of the petitioner, the *Rule* was issued by this Court with the following terms:

“Let a Rule issue calling upon the opposite parties to show cause as to why the delay of 208 days in filling the revisional application should not be condoned and or pass such other order or further order or orders as to the this Court may seem fit and proper.”

Challenging the legality and propriety of the order No. 66 dated 23.02.2021 passed by the learned Additional District Judge, 6th Court, Dhaka in Title Appeal No. 246 of 2015 rejecting the application filed by the defendant-appellant under Order 18, Rule 17 of the Code of Civil Procedure praying for re-calling the D.W.-2, Parvin Akter who was examined earlier,

the petitioner was constrained to file the Civil Revisional application under Section 115(1) of the Code of Civil Procedure.

Being highly aggrieved by and dissatisfied with the aforesaid said judgment and order of the appellate Court, the defendant-petitioner moved this Court along with the petition for condonation of delay of 208 days and obtained the aforesaid Rule.

Heard and perused the materials on record with care and due attention. On meticulous consideration of the petition, it transpires that the petitioner have reasonably and sufficiently explained the cause of delay; therefore, I am inclined to condone the same. Consequently, the Rule deserves to be made absolute to secure the ends of justice.

In the result, the Rule is made absolute, however, without passing any order as to costs.

The delay of 208 days in filing the revisional application is hereby condoned.

The office is hereby directed to place the revisional application to the concerned Bench within 10(ten) days from the date of receipt of the record of this case.

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(Md. Zakir Hossain, J)